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10/064,269

06/27/2002

Ruthie D. Lyle

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03/28/2008

IBM CORP. (WSM)

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EXAMINER

GHEBRETINSAE, TEMESGHIEN

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* RUTHIE D. LYLE, JAMEL PLEASANT LYNCH, JR.,  
USEN E. UDOH, and WILLIAM VIGILANTE, JR.

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Application 10/064,269  
Technology Center 2600

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on February 14, 2008. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

On October 17, 2007, the USPTO received a Reply Brief filed by Appellants. There is no indication on the record that this paper was considered by the Examiner.

Further review reveals that the Examiner's Answer, mailed August 24, 2007, fails to possess the required signatures of the Appeal Conferees as required by *the Manual of Patent Examining Procedure* (MPEP) § 1207.01.

Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- (1) to consider the Reply Brief filed October 17, 2007 pursuant to 37 C.F.R. § 41.43(a)(1);
- (2) to notify Appellants in writing of said consideration;
- (3) to obtain the Appeal Conferee's signatures in the Examiner's Answer dated August 24, 2007 as required by MPEP § 1207.01; and
- (4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: \_\_\_\_\_  
DALE M. SHAW  
Chief Appeals Administrator  
(571) 272-9797

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